



General Assembly

January Session, 2007

Amendment

LCO No. 8752

SB0070708752SD0

Offered by:

SEN. SLOSSBERG, 14th Dist.

SEN. STILLMAN, 20th Dist.

REP. DARGAN, 115th Dist.

To: Subst. Senate Bill No. 707

File No. 81

Cal. No. 138

**"AN ACT CONCERNING THE PAY SCALE OF THE STATE POLICE
AND MINIMUM QUALIFICATIONS FOR STATE AND MUNICIPAL
POLICE OFFICERS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) The Commissioner of
4 Administrative Services, within available appropriations, shall study
5 the pay scale for sworn personnel of the Division of State Police to
6 identify any inequities among the classes of such personnel. Not later
7 than February 1, 2008, the commissioner shall report to the joint
8 standing committee of the General Assembly having cognizance of
9 matters relating to public safety on the commissioner's findings.

10 Sec. 2. Subsection (a) of section 4a-63 of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective from*
12 *passage*):

13 (a) The Commissioner of Administrative Services may disqualify
14 any person, firm or corporation, for up to [two] five years, from
15 bidding on contracts with the Department of Administrative Services,
16 pursuant to section 4a-57, for supplies, materials, equipment and
17 contractual services required by any state agency, for one or more
18 causes set forth under subsection (c) of this section. The commissioner
19 may initiate a disqualification proceeding after consulting with the
20 purchasing agency, if any, and the Attorney General and shall provide
21 notice and an opportunity to be heard to the person, firm or
22 corporation which is the subject of the proceeding. The commissioner
23 shall issue a written decision within ninety days of the last date of such
24 hearing and state in the decision the reasons for the action taken and, if
25 the person, firm or corporation is being disqualified, the period of such
26 disqualification. The commissioner shall send the decision to such
27 person, firm or corporation by certified mail, return receipt requested.
28 The written decision shall be a final decision for the purposes of
29 sections 4-180 and 4-183.

30 Sec. 3. Section 4a-100 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective from passage*):

32 (a) As used in this section: (1) "Prequalification" means
33 prequalification issued by the Commissioner of Administrative
34 Services to bid on a contract or perform work pursuant to a contract
35 for the construction, reconstruction, alteration, remodeling, repair or
36 demolition of any public building or any other public work [for work]
37 by the state or a municipality, except a public highway or bridge
38 project or any other construction project administered by the
39 Department of Transportation; (2) "subcontractor" means a person who
40 performs work with a value in excess of twenty-five thousand dollars
41 for a contractor pursuant to a contract for work for the state or a
42 municipality which is estimated to cost more than five hundred
43 thousand dollars; (3) "principals and key personnel" includes officers,
44 directors, shareholders, members, partners and managerial employees;
45 (4) "aggregate work capacity rating" means the maximum amount of
46 work an applicant is capable of undertaking for any and all projects;

47 [and] (5) "single project limit" means the highest estimated cost of a
 48 single project that an applicant is capable of undertaking; and (6)
 49 "contract" means an agreement for work for the state or a municipality
 50 that is estimated to cost more than five hundred thousand dollars and
 51 is funded, in whole or in part, by state funds.

52 (b) (1) Any person may apply for prequalification to the Department
 53 of Administrative Services. Such application shall be made on such
 54 form as the Commissioner of Administrative Services prescribes and
 55 shall be accompanied by a nonrefundable application fee as set forth in
 56 subdivision (2) of this subsection. The application shall be signed
 57 under penalty of false statement.

58 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

59 (c) The application form shall, at a minimum, require the applicant
 60 to supply information concerning:

61 (1) The applicant's form of organization;

62 (2) The applicant's principals and key personnel and any names
 63 under which the applicant, principals or key personnel conducted
 64 business during the past five years;

65 (3) The applicant's experience on public and private construction
 66 projects over the past five years, or on the applicant's ten most
 67 recently-completed projects and the names of any subcontractors used

68 on the projects;

69 (4) Any legal or administrative proceedings pending or concluded
70 adversely against the applicant or any of the applicant's principals or
71 key personnel within the past five years which relate to the
72 procurement or performance of any public or private construction
73 contract and whether the applicant is aware of any investigation
74 pending against the applicant or any principal or key personnel;

75 (5) The nature of any financial, personal or familial relationship
76 between the applicant and any public or private construction project
77 owner listed on the application as constituting construction experience;

78 (6) A statement of whether (A) the applicant has been disqualified
79 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)
80 the applicant is on the list distributed by the Labor Commissioner
81 pursuant to section 31-57a, (C) the applicant is disqualified or
82 prohibited from being awarded a contract pursuant to section 31-57b,
83 (D) the applicant has been disqualified by another state, (E) the
84 applicant has been disqualified by a federal agency or pursuant to
85 federal law, (F) the applicant's registration has been suspended or
86 revoked by the Department of Consumer Protection pursuant to
87 section 20-341gg, (G) the applicant has been disqualified by a
88 municipality, and (H) the matters that gave rise to any such
89 disqualification, suspension or revocation have been eliminated or
90 remedied; and

91 (7) Other information as the commissioner deems relevant to the
92 determination of the applicant's qualifications and responsibilities.

93 (d) The applicant shall include a statement of financial condition
94 prepared by a certified public accountant which includes information
95 concerning the applicant's assets and liabilities, plant and equipment,
96 bank and credit references, bonding company and maximum bonding
97 capacity, and other information as the commissioner deems relevant to
98 an evaluation of the applicant's financial capacity and responsibility.

99 (e) Information contained in the application shall be current as of
100 the time of filing except that the statement of financial condition shall
101 pertain to the applicant's most recently-completed fiscal year.

102 (f) The commissioner shall determine whether to prequalify an
103 applicant on the basis of the application and on relevant past
104 performance according to procedures and criteria set forth in
105 regulations which the commissioner shall adopt on or before October
106 1, 2005, in accordance with chapter 54. Such criteria shall include, at a
107 minimum, the record of the applicant's performance, including, but
108 not limited to, written evaluations of the applicant's performance on
109 public or private projects within the past five years, the applicant's
110 past experience on projects of various size and type, the skill, ability
111 and integrity of the applicant and any subcontractors used by the
112 applicant, the experience and qualifications of supervisory personnel
113 employed by the applicant, the maximum amount of work the
114 applicant is capable of undertaking as demonstrated by the applicant's
115 financial condition, bonding capacity, size of past projects and present
116 and anticipated work commitments, and any other relevant criteria
117 that the commissioner prescribes. Such regulations shall also (1)
118 provide that the criteria considered shall be assigned separate
119 designated numerical values and weights and that the applicant shall
120 be assigned an overall numerical rating on the basis of all criteria, and
121 (2) establish prequalification classifications, aggregate work capacity
122 ratings and single project limits. Such prequalification classifications
123 shall be used to establish the types of work a contractor is qualified to
124 perform and the aggregate work capacity ratings shall be used to
125 establish the maximum amount of work a contractor is capable of
126 undertaking.

127 (g) (1) The applicant shall indicate the prequalification
128 classifications, aggregate work capacity ratings and single project
129 limits that are sought. The commissioner may issue a certificate of
130 prequalification to any applicant who meets the requirements of this
131 section. Such certificate shall be effective for one year from the date
132 issued and shall indicate the contractor's prequalification

133 classifications, aggregate work capacity ratings and single project
134 limits. The commissioner may cause the initial certificate of
135 prequalification to be effective for a period not to exceed two years and
136 may require the applicant to remit payment of the application fee, as
137 set forth in subsection (b) of this section, for the first twelve months of
138 certification as well as a prorated application fee, as described in
139 subdivision (3) of this subsection, for any additional period of
140 certification beyond the first twelve months.

141 (2) A prequalified contractor may apply at any time for additional
142 prequalification classifications, aggregate work capacity ratings or
143 single project limits by submitting the applicable increase in fee, a
144 completed update statement [] and other information the
145 commissioner requires.

146 (3) The commissioner may renew a prequalification certificate upon
147 receipt of a completed update statement, any other material the
148 commissioner requires and a nonrefundable fee in an amount equal to
149 one-half of the application fee for the applicable aggregate work
150 capacity rating as set forth in subsection (b) of this section, except that
151 in no event shall such fee be less than six hundred dollars.

152 (h) Not later than sixty days after receiving a completed application,
153 the commissioner shall mail or send by electronic mail a notice to the
154 applicant concerning the commissioner's preliminary determination
155 regarding the conditions of the prequalification certification, a denial
156 of certification, a reduction in the level of certification sought or
157 nonrenewal of certification. Any applicant aggrieved by the
158 commissioner's preliminary determination may request copies of the
159 information upon which the commissioner relied in making the
160 preliminary determination, provided such request is made not later
161 than ten days after the date the notice was mailed or sent by electronic
162 mail to the applicant. Not later than twenty days after the date the
163 notice was mailed or sent by electronic mail, the applicant may submit
164 additional information to the commissioner with a request for
165 reconsideration. The commissioner shall issue a final determination

166 regarding the application not later than ninety days after the date the
167 commissioner mailed or sent by electronic mail the notice of the
168 preliminary determination, which ninety-day period may be extended
169 for an additional period not to exceed ninety days if (1) the
170 commissioner gives written notice to the applicant that the
171 commissioner requires additional time, and (2) such notice is mailed or
172 sent by electronic mail during the initial ninety-day period.

173 (i) The commissioner may not issue or renew a prequalification
174 certificate to any contractor (1) who is disqualified pursuant to section
175 31-57c or 31-57d, or (2) who has a principal or key personnel who,
176 within the past five years, has a conviction or has entered a plea of
177 guilty or nolo contendere for or has admitted to commission of an act
178 or omission that reasonably could have resulted in disqualification
179 pursuant to any provision of subdivisions (1) to (3), inclusive, of
180 subsection (d) of section 31-57c or subdivisions (1) to (3), inclusive, of
181 subsection (d) of section 31-57d, as determined by the commissioner.

182 (j) The commissioner may revoke a contractor's prequalification or
183 reduce the contractor's prequalification classification or aggregate
184 work capacity ratings, after an opportunity for a hearing, if the
185 commissioner receives additional information that supports such
186 revocation or reduction. During the hearing process, the commissioner
187 may suspend a contractor's prequalification certificate if the
188 commissioner determines that there is probable cause to believe that
189 such contractor engaged in conduct that significantly undermines the
190 skill, ability or integrity of such contractor. Any such suspension shall
191 not exceed a period of three months and shall be accompanied by a
192 written decision of the commissioner that sets forth the reasons for and
193 duration of such suspension. The commissioner shall send notification
194 of any such suspension to such contractor by certified mail, return
195 receipt requested. Such contractor may file a response, in writing, not
196 later than thirty days after receipt of such notice. The commissioner
197 shall review any response submitted by a contractor within such
198 thirty-day period.

199 (k) (1) Any substantial evidence of fraud in obtaining or
200 maintaining prequalification or any materially false statement in the
201 application, ~~[or any] update statement or update bid statement~~ may, in
202 the discretion of the awarding authority, result in termination of any
203 contract awarded the applicant by the awarding authority. The
204 awarding authority shall provide written notice to the commissioner of
205 such false statement not later than thirty days after discovering such
206 false statement. The commissioner shall provide written notice of such
207 false statement to the Commissioner of Public Works, ~~[and] the~~
208 Commissioner of Consumer Protection and the President of The
209 University of Connecticut not later than thirty days after discovering
210 such false statement or receiving such notice.

211 (2) The commissioner shall deny or revoke the prequalification of
212 any person ~~[, after an opportunity for hearing,]~~ if the commissioner
213 finds that the person has included any materially false statement in
214 such application, ~~[or] update statement or update bid statement,~~ has
215 been convicted of a crime related to the procurement or performance
216 of any public or private construction contract or, within the past five
217 years, ~~[or] has otherwise engaged in fraud in obtaining or maintaining~~
218 prequalification. Any revocation made pursuant to this subsection
219 shall be made only after an opportunity for a hearing. Any person
220 whose prequalification has been revoked pursuant to this subsection
221 shall be disqualified for a period of two years after which the person
222 may reapply for prequalification, except that a person whose
223 prequalification has been revoked on the basis of conviction of a crime
224 or engaging in fraud shall be disqualified for a period of five years
225 after which the person may reapply for prequalification. The
226 commissioner shall not prequalify a person whose prequalification has
227 been revoked pursuant to this subdivision until the expiration of said
228 two or five-year disqualification period and the commissioner is
229 satisfied that the matters that gave rise to the revocation have been
230 eliminated or remedied.

231 (l) The commissioner shall provide written notice of any revocation,
232 disqualification, reduction in classification or capacity rating or

233 reinstated prequalification to the Commissioner of Public Works, [and]
234 the Commissioner of Consumer Protection and the President of The
235 University of Connecticut not later than thirty days after any final
236 determination.

237 (m) The provisions of this section and section 4a-101 shall not apply
238 to subcontractors.

239 (n) The commissioner shall establish an update statement for use by
240 bidders for purposes of renewing or upgrading a prequalification
241 certificate and an update bid statement for purposes of submitting a
242 bid pursuant to section 4b-91, as amended by this act.

243 (o) Any applicant aggrieved by the commissioner's final
244 determination concerning a preliminary determination, a denial of
245 certification, a reduction in prequalification classification or aggregate
246 work capacity rating or a revocation or nonrenewal of certification
247 may appeal to the Superior Court in accordance with section 4-183.

248 Sec. 4. Section 4a-100 of the general statutes, as amended by section
249 22 of public act 06-134, is repealed and the following is substituted in
250 lieu thereof (*Effective October 1, 2007*):

251 (a) As used in this section: (1) "Prequalification" means
252 prequalification issued by the Commissioner of Administrative
253 Services to bid on a contract or perform work pursuant to a contract
254 for the construction, reconstruction, alteration, remodeling, repair or
255 demolition of any public building or any other public work [for work]
256 by the state or a municipality, except a public highway or bridge
257 project or any other construction project administered by the
258 Department of Transportation, or to perform work under such a
259 contract as a substantial subcontractor; (2) "subcontractor" means a
260 person who performs work with a value in excess of twenty-five
261 thousand dollars for a contractor pursuant to a contract for work for
262 the state or a municipality which is estimated to cost more than five
263 hundred thousand dollars; (3) "principals and key personnel" includes
264 officers, directors, shareholders, members, partners and managerial

265 employees; (4) "aggregate work capacity rating" means the maximum
 266 amount of work an applicant is capable of undertaking for any and all
 267 projects; (5) "single project limit" means the highest estimated cost of a
 268 single project that an applicant is capable of undertaking; [and] (6)
 269 "contract" means an agreement for work for the state or a municipality
 270 that is estimated to cost more than five hundred thousand dollars and
 271 is funded, in whole or in part, by state funds; and (7) "substantial
 272 subcontractor" means a person who performs work with a value in
 273 excess of five hundred thousand dollars for a contractor pursuant to a
 274 contract for work for the state or a municipality which is estimated to
 275 cost more than five hundred thousand dollars.

276 (b) (1) Any person may apply for prequalification to the Department
 277 of Administrative Services. Such application shall be made on such
 278 form as the Commissioner of Administrative Services prescribes and
 279 shall be accompanied by a nonrefundable application fee as set forth in
 280 subdivision (2) of this subsection. The application shall be signed
 281 under penalty of false statement.

282 (2) The application fee shall be as follows:

T9	Aggregate Work Capacity Rating	Fee
T10		
T11	\$5,000,000.00 or less	\$600.00
T12	\$5,000,000.01 - \$8,000,000.00	\$750.00
T13	\$8,000,000.01 - \$10,000,000.00	\$850.00
T14	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T15	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T16	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T17	\$40,000,000.01 or more	\$2,500.00

283 (c) The application form shall, at a minimum, require the applicant
 284 to supply information concerning:

285 (1) The applicant's form of organization;

286 (2) The applicant's principals and key personnel and any names

287 under which the applicant, principals or key personnel conducted
288 business during the past five years;

289 (3) Any legal or administrative proceedings pending or concluded
290 adversely against the applicant or any of the applicant's principals or
291 key personnel within the past five years which relate to the
292 procurement or performance of any public or private construction
293 contract and whether the applicant is aware of any investigation
294 pending against the applicant or any principal or key personnel;

295 (4) The nature of any financial, personal or familial relationship
296 between the applicant and any public or private construction project
297 owner listed on the application as constituting construction experience;

298 (5) A statement of whether (A) the applicant has been disqualified
299 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)
300 the applicant is on the list distributed by the Labor Commissioner
301 pursuant to section 31-57a, (C) the applicant is disqualified or
302 prohibited from being awarded a contract pursuant to section 31-57b,
303 (D) the applicant has been disqualified by another state, (E) the
304 applicant has been disqualified by a federal agency or pursuant to
305 federal law, (F) the applicant's registration has been suspended or
306 revoked by the Department of Consumer Protection pursuant to
307 section 20-341gg, (G) the applicant has been disqualified by a
308 municipality, and (H) the matters that gave rise to any such
309 disqualification, suspension or revocation have been eliminated or
310 remedied; and

311 (6) Other information as the commissioner deems relevant to the
312 determination of the applicant's qualifications and responsibilities.

313 (d) The applicant shall include a statement of financial condition
314 prepared by a certified public accountant which includes information
315 concerning the applicant's assets and liabilities, plant and equipment,
316 bank and credit references, bonding company and maximum bonding
317 capacity, and other information as the commissioner deems relevant to
318 an evaluation of the applicant's financial capacity and responsibility.

319 (e) Information contained in the application shall be current as of
320 the time of filing except that the statement of financial condition shall
321 pertain to the applicant's most recently-completed fiscal year.

322 (f) The commissioner shall determine whether to prequalify an
323 applicant on the basis of the application and on relevant past
324 performance according to procedures and criteria set forth in
325 regulations which the commissioner shall adopt on or before October
326 1, 2005, in accordance with chapter 54. Such criteria shall include, at a
327 minimum, the record of the applicant's performance, including, but
328 not limited to, written evaluations of the applicant's performance on
329 public or private projects, [for a period of not less than the past three
330 years,] the applicant's past experience on projects of various size and
331 type, the skill, ability and integrity of the applicant and any
332 subcontractors used by the applicant, the experience and qualifications
333 of supervisory personnel employed by the applicant, the maximum
334 amount of work the applicant is capable of undertaking as
335 demonstrated by the applicant's financial condition, bonding capacity,
336 size of past projects and present and anticipated work commitments,
337 and any other relevant criteria that the commissioner prescribes. Such
338 regulations shall also (1) provide that the criteria considered shall be
339 assigned separate designated numerical values and weights and that
340 the applicant shall be assigned an overall numerical rating on the basis
341 of all criteria, and (2) establish prequalification classifications,
342 aggregate work capacity ratings and single project limits. Such
343 prequalification classifications shall be used to establish the types of
344 work a contractor or substantial subcontractor is qualified to perform
345 and the aggregate work capacity ratings shall be used to establish the
346 maximum amount of work a contractor or substantial subcontractor is
347 capable of undertaking.

348 (g) (1) The applicant shall indicate the prequalification
349 classifications, aggregate work capacity ratings and single project
350 limits that are sought. The commissioner may issue a certificate of
351 prequalification to any applicant who meets the requirements of this
352 section. Such certificate shall be effective for one year from the date

353 issued and shall indicate the contractor's or substantial subcontractor's
354 prequalification classifications, aggregate work capacity ratings and
355 single project limits. The commissioner may cause the initial certificate
356 of prequalification to be effective for a period not to exceed two years
357 and may require the applicant to remit payment of the application fee,
358 as set forth in subsection (b) of this section, for the first twelve months
359 of certification as well as a prorated application fee, as described in
360 subdivision (3) of this subsection, for any additional period of
361 certification beyond the first twelve months.

362 (2) A prequalified contractor or substantial subcontractor may apply
363 at any time for additional prequalification classifications, aggregate
364 work capacity ratings or single project limits by submitting the
365 applicable increase in fee, a completed update statement [,] and other
366 information the commissioner requires.

367 (3) The commissioner may renew a prequalification certificate upon
368 receipt of a completed update statement, any other material the
369 commissioner requires and a nonrefundable fee in an amount not less
370 than one-half of the application fee for the applicable aggregate work
371 capacity rating as set forth in subsection (b) of this section.

372 (h) Not later than sixty days after receiving a completed application,
373 the commissioner shall mail or send by electronic mail a notice to the
374 applicant concerning the commissioner's preliminary determination
375 regarding the conditions of the prequalification certification, a denial
376 of certification, a reduction in the level of certification sought or
377 nonrenewal of certification. Any applicant aggrieved by the
378 commissioner's preliminary determination may request copies of the
379 information upon which the commissioner relied in making the
380 preliminary determination, provided such request is made not later
381 than ten days after the date the notice was mailed or sent by electronic
382 mail to the applicant. Not later than twenty days after the date the
383 notice was mailed or sent by electronic mail, the applicant may submit
384 additional information to the commissioner with a request for
385 reconsideration. The commissioner shall issue a final determination

386 regarding the application not later than ninety days after the date the
387 commissioner mailed or sent by electronic mail the notice of the
388 preliminary determination, which ninety-day period may be extended
389 for an additional period not to exceed ninety days if (1) the
390 commissioner gives written notice to the applicant that the
391 commissioner requires additional time, and (2) such notice is mailed or
392 sent by electronic mail during the initial ninety-day period.

393 (i) The commissioner may not issue or renew a prequalification
394 certificate to any contractor or substantial subcontractor (1) who is
395 disqualified pursuant to section 31-57c or 31-57d, or (2) who has a
396 principal or key personnel who, within the past five years, has a
397 conviction or has entered a plea of guilty or nolo contendere for or has
398 admitted to commission of an act or omission that reasonably could
399 have resulted in disqualification pursuant to any provision of
400 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57c or
401 subdivisions (1) to (3), inclusive, of subsection (d) of section 31-57d, as
402 determined by the commissioner.

403 (j) The commissioner may revoke a contractor's or substantial
404 subcontractor's prequalification or reduce the contractor's or
405 substantial subcontractor's prequalification classification or aggregate
406 work capacity ratings, after an opportunity for a hearing, if the
407 commissioner receives additional information that supports such
408 revocation or reduction. During the course of such hearing process, the
409 commissioner may suspend a contractor's prequalification certificate if
410 the commissioner determines that there is probable cause to believe
411 that such contractor engaged in conduct that significantly undermines
412 the skill, ability or integrity of such contractor. Any such suspension
413 shall not exceed a period of three months and shall be accompanied by
414 a written decision of the commissioner that sets forth the reasons for
415 and duration of such suspension. The commissioner shall send
416 notification of any such suspension to such contractor by certified mail,
417 return receipt requested. Such contractor may file a response, in
418 writing, not later than thirty days after receipt of such notice. The
419 commissioner shall review any such response submitted by a

420 contractor within such thirty-day period.

421 (k) (1) Any substantial evidence of fraud in obtaining or
422 maintaining prequalification or any materially false statement in the
423 application [or any] update statement or update bid statement may, in
424 the discretion of the awarding authority, result in termination of any
425 contract awarded the applicant by the awarding authority. The
426 awarding authority shall provide written notice to the commissioner of
427 such false statement not later than thirty days after discovering such
428 false statement. The commissioner shall provide written notice of such
429 false statement to the Commissioner of Public Works, [and] the
430 Commissioner of Consumer Protection and the President of The
431 University of Connecticut not later than thirty days after discovering
432 such false statement or receiving such notice.

433 (2) The commissioner shall deny or revoke the prequalification of
434 any person [, after an opportunity for hearing,] if the commissioner
435 finds that the person has included any materially false statement in
436 such application, [or] update statement or update bid statement, has
437 been convicted of a crime related to the procurement or performance
438 of any public or private construction contract or, within the past five
439 years, [or] has otherwise engaged in fraud in obtaining or maintaining
440 prequalification. Any revocation made pursuant to this subsection
441 shall be made only after an opportunity for a hearing. Any person
442 whose prequalification has been revoked pursuant to this subsection
443 shall be disqualified for a period of two years after which the person
444 may reapply for prequalification, except that a person whose
445 prequalification has been revoked on the basis of conviction of a crime
446 or engaging in fraud shall be disqualified for a period of five years
447 after which the person may reapply for prequalification. The
448 commissioner shall not prequalify a person whose prequalification has
449 been revoked pursuant to this subdivision until the expiration of said
450 two-year, five-year, or other applicable disqualification period and the
451 commissioner is satisfied that the matters that gave rise to the
452 revocation have been eliminated or remedied.

453 (l) The commissioner shall provide written notice of any revocation,
454 disqualification, reduction in classification or capacity rating or
455 reinstated prequalification to the Commissioner of Public Works, [and]
456 the Commissioner of Consumer Protection and the President of The
457 University of Connecticut not later than thirty days after any final
458 determination.

459 (m) The provisions of this section and section 4a-101 shall not apply
460 to subcontractors who are not substantial subcontractors.

461 (n) The commissioner shall establish an update statement for use by
462 bidders and substantial subcontractors for purposes of renewing or
463 upgrading a prequalification certificate and an update bid statement
464 for purposes of submitting a bid pursuant to section 4b-91, as amended
465 by this act.

466 (o) Any applicant aggrieved by the commissioner's final
467 determination concerning a preliminary determination, a denial of
468 certification, a reduction in prequalification classification or aggregate
469 work capacity rating or a revocation or nonrenewal of certification
470 may appeal to the Superior Court in accordance with section 4-183.

471 [(p) The commissioner shall adopt regulations, in accordance with
472 chapter 54, to establish a schedule of application fees for substantial
473 contractors.]

474 Sec. 5. Subsection (c) of section 4a-101 of the general statutes is
475 repealed and the following is substituted in lieu thereof (*Effective from*
476 *passage*):

477 (c) As used in this section, "public agency" means a public agency,
478 as defined in section 1-200, "contract" means an agreement for work for
479 the state or a municipality that is estimated to cost more than five
480 hundred thousand dollars and is funded, in whole or in part, by state
481 funds and "subcontractor" means a person who performs work with a
482 value in excess of twenty-five thousand dollars for a contractor
483 pursuant to a contract. [for work for the state or a municipality which

484 is estimated to cost more than five hundred thousand dollars.]

485 Sec. 6. Subsection (c) of section 4a-101 of the general statutes, as
486 amended by section 23 of public act 06-134, is repealed and the
487 following is substituted in lieu thereof (*Effective October 1, 2007*):

488 (c) As used in this section, "public agency" means a public agency,
489 as defined in section 1-200, "contract" means an agreement for work for
490 the state or a municipality that is estimated to cost more than five
491 hundred thousand dollars and is funded, in whole or in part, by state
492 funds, "subcontractor" means a person who performs work with a
493 value in excess of twenty-five thousand dollars for a contractor
494 pursuant to a contract [for work for the state or a municipality which is
495 estimated to cost more than five hundred thousand dollars] and
496 "substantial subcontractor" means a substantial subcontractor, as
497 defined in section 4a-100, as amended by this act.

498 Sec. 7. Section 4b-91 of the general statutes is repealed and the
499 following is substituted in lieu thereof (*Effective from passage*):

500 (a) Every contract for the construction, reconstruction, alteration,
501 remodeling, repair or demolition of any public building [for] or any
502 other public work by the state except a public highway or bridge
503 project or any other construction project administered by the
504 Department of Transportation, which is estimated to cost more than
505 five hundred thousand dollars, except a contract awarded by the
506 Commissioner of Public Works for (1) a community court project, as
507 defined in subsection (j) of section 4b-55, (2) the downtown Hartford
508 higher education center project, as defined in subsection (l) of section
509 4b-55, (3) a correctional facility project, as defined in subsection (m) of
510 section 4b-55, (4) a juvenile detention center project, as defined in
511 subsection (n) of section 4b-55, or (5) a student residential facility for
512 the Connecticut State University system that is a priority higher
513 education facility project, as defined in subsection (f) of section 4b-55,
514 shall be awarded to the lowest responsible and qualified general
515 bidder who is prequalified pursuant to section 4a-100, as amended by

516 this act, on the basis of competitive bids in accordance with the
517 procedures set forth in this chapter, after the Commissioner of Public
518 Works or, in the case of a contract for the construction of or work on a
519 building under the supervision and control of the Joint Committee on
520 Legislative Management of the General Assembly, the joint committee
521 or, in the case of a contract for the construction of or work on a
522 building under the supervision and control of one of the constituent
523 units of the state system of higher education, the constituent unit, has
524 invited such bids by advertisements inserted at least once in one or
525 more newspapers having a circulation in each county in the state. The
526 Commissioner of Public Works, the joint committee or the constituent
527 unit, as the case may be, shall indicate the prequalification
528 classification required for the contract in such advertisement. As used
529 in this section, "prequalification classification" means the
530 prequalification classifications established by the Commissioner of
531 Administrative Services pursuant to section 4a-100, as amended by this
532 act.

533 (b) The Commissioner of Public Works, the joint committee or the
534 constituent unit, as the case may be, shall determine the manner of
535 submission and the conditions and requirements of such bids, and the
536 time within which the bids shall be submitted, consistent with the
537 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be
538 made within sixty days after the opening of such bids. If the general
539 bidder selected as the general contractor fails to perform the general
540 contractor's agreement to execute a contract in accordance with the
541 terms of the general contractor's general bid and furnish a performance
542 bond and also a labor and materials or payment bond to the amount
543 specified in the general bid form, an award shall be made to the next
544 lowest responsible and qualified general bidder. No employee of the
545 Department of Public Works, the joint committee or a constituent unit
546 with decision-making authority concerning the award of a contract
547 and no public official, as defined in section 1-79, may communicate
548 with any bidder prior to the award of the contract if the
549 communication results in the bidder receiving information about the

550 contract that is not available to other bidders, except that if the lowest
551 responsible and qualified bidder's price submitted is in excess of funds
552 available to make an award, the Commissioner of Public Works, the
553 Joint Committee on Legislative Management or the constituent unit, as
554 the case may be, may negotiate with such bidder and award the
555 contract on the basis of the funds available, without change in the
556 contract specifications, plans and other requirements. If the award of a
557 contract on said basis is refused by such bidder, the Commissioner of
558 Public Works, the Joint Committee on Legislative Management or the
559 constituent unit, as the case may be, may negotiate with other
560 contractors who submitted bids in ascending order of bid prices
561 without change in the contract, specifications, plans and other
562 requirements. In the event of negotiation with general bidders as
563 provided in this section, the general bidder involved may negotiate
564 with subcontractors on the same basis, provided such general bidder
565 shall negotiate only with subcontractors named on such general
566 bidder's general bid form.

567 (c) [On and after October 1, 2004, no] No person may bid on a
568 contract or perform work pursuant to a contract for the construction,
569 reconstruction, alteration, remodeling, repair or demolition of any
570 public building for work by the state or a municipality, which is
571 estimated to cost more than five hundred thousand dollars and is paid
572 for, in whole or in part, with state funds, unless the person is
573 prequalified in accordance with section 4a-100, as amended by this act.

574 (d) [On and after October 1, 2004, each] Each bid submitted for a
575 contract described in subsection (c) of this section shall include a copy
576 of a prequalification certificate issued by the Commissioner of
577 Administrative Services. The bid shall also be accompanied by an
578 update bid statement in such form as the Commissioner of
579 Administrative Services prescribes. The form for such update bid
580 statement shall provide space for information regarding all projects
581 completed by the bidder since the date the bidder's prequalification
582 certificate was issued or renewed, all projects the bidder currently has
583 under contract, including the percentage of work on such projects not

584 completed, the names and qualifications of the personnel who will
585 have supervisory responsibility for the performance of the contract,
586 any significant changes in the bidder's financial position or corporate
587 structure since the date the certificate was issued or renewed, any
588 change in the contractor's qualification status as determined by the
589 provisions of subdivision (6) of subsection (c) of section 4a-100, as
590 amended by this act, and such other relevant information as the
591 Commissioner of Administrative Services prescribes. Any bid
592 submitted without a copy of the prequalification certificate and an
593 update bid statement shall be invalid. Any public agency that accepts a
594 bid submitted without a copy of such prequalification certificate and
595 an update bid statement, as required by this section, may become
596 ineligible for the receipt of funds related to such bid.

597 (e) Any person who bids on a contract described in subsection (c) of
598 this section shall certify under penalty of false statement at the
599 conclusion of the bidding process that the information in the bid is
600 true, that there has been no substantial change in the bidder's financial
601 position or corporate structure since the bidder's most recent
602 prequalification certificate was issued or renewed, other than those
603 changes noted in the update bid statement, and that the bid was made
604 without fraud or collusion with any person.

605 (f) Any person who receives information from a state employee or
606 public official that is not available to the general public concerning any
607 construction, reconstruction, alteration, remodeling, repair or
608 demolition project on a public building prior to the date that an
609 advertisement for bids on the project is published shall be disqualified
610 from bidding on the project.

611 (g) Notwithstanding the provisions of this chapter regarding
612 competitive bidding procedures, the commissioner may select and
613 interview at least three responsible and qualified general contractors
614 who are prequalified pursuant to section 4a-100, as amended by this
615 act, and submit the three selected contractors to the construction
616 services award panels process described in section 4b-100a and any

617 regulation adopted by the commissioner. The commissioner may
618 negotiate with the successful bidder a contract which is both fair and
619 reasonable to the state for a community court project, as defined in
620 subsection (j) of section 4b-55, the downtown Hartford higher
621 education center project, as defined in subsection (l) of section 4b-55, a
622 correctional facility project, as defined in subsection (m) of section 4b-
623 55, a juvenile detention center project, as defined in subsection (n) of
624 section 4b-55, or a student residential facility for the Connecticut State
625 University system that is a priority higher education facility project, as
626 defined in subsection (f) of section 4b-55. The Commissioner of Public
627 Works, prior to entering any such contract or performing any work on
628 such project, shall submit such contract to the State Properties Review
629 Board for review and approval or disapproval by the board, pursuant
630 to subsection (i) of this section. Any general contractor awarded a
631 contract pursuant to this subsection shall be subject to the same
632 requirements concerning the furnishing of bonds as a contractor
633 awarded a contract pursuant to subsection (b) of this section.

634 (h) [On and after October 1, 2004, any] Any agency that seeks to
635 have a project awarded without being subject to competitive bidding
636 procedures shall certify to the joint committee of the General Assembly
637 having cognizance of matters relating to government administration
638 and elections that the project is of such an emergency nature that an
639 exception to the competitive bidding procedures of this section is
640 required. Such certification shall include input from all affected
641 agencies, detail the need for the exception and include any relevant
642 documentation.

643 (i) In the event that the General Assembly approves legislation
644 authorizing an exception to the competitive bidding process for a
645 project, the State Properties Review Board shall complete a review of
646 the contract for such project and approve or disapprove such contract
647 no later than thirty days after the Commissioner of Public Works
648 submits such contract to the board. Such review shall be conducted in
649 accordance with the provisions of section 4b-3. In the event that such
650 review does not occur within the thirty-day period prescribed by this

651 subsection, such contract shall be deemed to be approved.

652 Sec. 8. Section 4b-92 of the general statutes is repealed and the
653 following is substituted in lieu thereof (*Effective from passage*):

654 As used in this chapter and except as otherwise provided, the words
655 "lowest responsible and qualified bidder" shall mean the bidder who is
656 prequalified pursuant to section 4a-100, as amended by this act, and
657 whose bid is the lowest of those bidders possessing the skill, ability
658 and integrity necessary to faithful performance of the work based on
659 objective criteria considering past performance and information
660 contained in the update bid statement submitted pursuant to section
661 4b-91, as amended by this act. Essential information in regard to such
662 qualifications shall be submitted with the bid in such form as the
663 awarding authority may require by specification in the bid documents
664 and on the bid form. Every general bid shall be accompanied by a bid
665 bond or a certified check in an amount which shall be ten per cent of
666 the bid, provided no such bid bond or certified check shall be required
667 in relation to any general bid in which the total estimated cost of labor
668 and materials under the contract with respect to which such general
669 bid is submitted is less than fifty thousand dollars. Failure to execute a
670 contract awarded as specified and bid shall result in the forfeiture of
671 such bid bond or certified check. In considering past performance the
672 awarding authority shall evaluate the skill, ability and integrity of
673 bidders in terms of the bidders' fulfillment of contract obligations and
674 of the bidders' experience or lack of experience with projects of the
675 nature and scope of the project for which the bids are submitted.

676 Sec. 9. Subdivision (2) of subsection (g) of section 9-612 of the
677 general statutes, as amended by section 1 of public act 07-1, is repealed
678 and the following is substituted in lieu thereof (*Effective from passage*):

679 (2) On and after December 31, 2006:

680 (A) No state contractor, prospective state contractor, principal of a
681 state contractor or principal of a prospective state contractor, with
682 regard to a state contract solicitation with or from a state agency in the

683 executive branch or a quasi-public agency or a holder, or principal of a
684 holder of a valid prequalification certificate, shall make a contribution
685 to, or solicit contributions on behalf of (i) an exploratory committee or
686 candidate committee established by a candidate for nomination or
687 election to the office of Governor, Lieutenant Governor, Attorney
688 General, State Comptroller, Secretary of the State or State Treasurer,
689 (ii) a political committee authorized to make contributions or
690 expenditures to or for the benefit of such candidates, or (iii) a party
691 committee;

692 (B) No state contractor, prospective state contractor, principal of a
693 state contractor or principal of a prospective state contractor, with
694 regard to a state contract solicitation with or from the General
695 Assembly or a holder, or principal of a holder, of a valid
696 prequalification certificate, shall make a contribution to, or solicit
697 contributions on behalf of (i) an exploratory committee or candidate
698 committee established by a candidate for nomination or election to the
699 office of state senator or state representative, (ii) a political committee
700 authorized to make contributions or expenditures to or for the benefit
701 of such candidates, or (iii) a party committee;

702 (C) If a state contractor or principal of a state contractor makes or
703 solicits a contribution prohibited under subparagraph (A) or (B) of this
704 subdivision, as determined by the State Elections Enforcement
705 Commission, the contracting state agency or quasi-public agency may,
706 in the case of a state contract executed on or after the effective date of
707 this section void the existing contract with said contractor, and no state
708 agency or quasi-public agency shall award the state contractor a state
709 contract or an extension or an amendment to a state contract for one
710 year after the election for which such contribution is made or solicited
711 unless the commission determines that mitigating circumstances exist
712 concerning such violation. No violation of the prohibitions contained
713 in subparagraph (A) or (B) of this subdivision shall be deemed to have
714 occurred if, and only if, the improper contribution is returned to the
715 principal by the later of thirty days after receipt of such contribution
716 by the recipient committee treasurer or the filing date that corresponds

717 with the reporting period in which such contribution was made; and

718 (D) If a prospective state contractor or principal of a prospective
719 state contractor makes or solicits a contribution prohibited under
720 subparagraph (A) or (B) of this subdivision, as determined by the State
721 Elections Enforcement Commission, no state agency or quasi-public
722 agency shall award the prospective state contractor the contract
723 described in the state contract solicitation or any other state contract
724 for one year after the election for which such contribution is made or
725 solicited unless the commission determines that mitigating
726 circumstances exist concerning such violation. The Commissioner of
727 Administrative Services shall notify applicants of the provisions of this
728 subparagraph and subparagraphs (A) and (B) of this subdivision
729 during the prequalification application process.

730 (E) The State Elections Enforcement Commission shall make
731 available to each state agency and quasi-public agency a written notice
732 advising state contractors and prospective state contractors of the
733 contribution and solicitation prohibitions contained in subparagraphs
734 (A) and (B) of this subdivision. Such notice shall: (i) Direct each state
735 contractor and prospective state contractor to inform each individual
736 described in subparagraph (F) of subdivision (1) of this subsection,
737 with regard to said state contractor or prospective state contractor,
738 about the provisions of subparagraph (A) or (B) of this subdivision,
739 whichever is applicable, and this subparagraph; (ii) inform each state
740 contractor and prospective state contractor of the civil and criminal
741 penalties that could be imposed for violations of such prohibitions if
742 any such contribution is made or solicited; (iii) inform each state
743 contractor and prospective state contractor that, in the case of a state
744 contractor, if any such contribution is made or solicited, the contract
745 may be voided; (iv) inform each state contractor and prospective state
746 contractor that, in the case of a prospective state contractor, if any such
747 contribution is made or solicited, the contract described in the state
748 contract solicitation shall not be awarded, unless the commission
749 determines that mitigating circumstances exist concerning such
750 violation; and (v) inform each state contractor and prospective state

751 contractor that the state will not award any other state contract to
752 anyone found in violation of such prohibitions for a period of one year
753 after the election for which such contribution is made or solicited,
754 unless the commission determines that mitigating circumstances exist
755 concerning such violation. Each state agency and quasi-public agency
756 shall distribute such notice to the chief executive officer of its
757 contractors and prospective state contractors, or an authorized
758 signatory to a state contract, and shall obtain a written
759 acknowledgement of the receipt of such notice.

760 Sec. 10. Section 49-41 of the general statutes is amended by adding
761 subsection (f) as follows (*Effective from passage*):

762 (NEW) (f) Whenever a surety bond is required in connection with a
763 contract for the construction, reconstruction, alteration, remodeling,
764 repair or demolition of any public building for work by the state or a
765 municipality, that is estimated to cost more than five hundred
766 thousand dollars and is paid for, in whole or in part, with state funds,
767 the surety contract between the contractor named as principal in the
768 bond and the surety that issues such bond shall contain the following
769 provision: "In the event that the surety assumes the contract or obtains
770 a bid or bids for completion of the contract, the surety shall ensure that
771 the contractor chosen to complete the contract is prequalified pursuant
772 to section 4a-100 of the Connecticut general statutes in the requisite
773 classification and has the aggregate work capacity rating and single
774 project limit necessary to complete the contract".

775 Sec. 11. Subdivision (1) of subsection (b) of section 1-206 of the
776 general statutes is repealed and the following is substituted in lieu
777 thereof (*Effective from passage*):

778 (b) (1) Any person denied the right to inspect or copy records under
779 section 1-210 or wrongfully denied the right to attend any meeting of a
780 public agency or denied any other right conferred by the Freedom of
781 Information Act may appeal therefrom to the Freedom of Information
782 Commission, by filing a notice of appeal with said commission. A

783 notice of appeal shall be filed [within] not later than thirty days after
784 such denial, except in the case of an unnoticed or secret meeting, in
785 which case the appeal shall be filed [within] not later than thirty days
786 after the person filing the appeal receives notice in fact that such
787 meeting was held. For purposes of this subsection, such notice of
788 appeal shall be deemed to be filed on the date it is received by said
789 commission or on the date it is postmarked, if received more than
790 thirty days after the date of the denial from which such appeal is taken.
791 Upon receipt of such notice, the commission shall serve upon all
792 parties, by certified or registered mail, a copy of such notice together
793 with any other notice or order of such commission. In the case of the
794 denial of a request to inspect or copy records contained in a public
795 employee's personnel or medical file or similar file under subsection
796 (c) of section 1-214, the commission shall include with its notice or
797 order an order requiring the public agency to notify any employee
798 whose records are the subject of an appeal, and the employee's
799 collective bargaining representative, if any, of the commission's
800 proceedings and, if any such employee or collective bargaining
801 representative has filed an objection under said subsection (c), the
802 agency shall provide the required notice to such employee and
803 collective bargaining representative by certified mail, return receipt
804 requested or by hand delivery with a signed receipt. A public
805 employee whose personnel or medical file or similar file is the subject
806 of an appeal under this subsection may intervene as a party in the
807 proceedings on the matter before the commission. Said commission
808 shall, after due notice to the parties, hear and decide the appeal within
809 one year after the filing of the notice of appeal. The commission shall
810 adopt regulations in accordance with chapter 54, establishing criteria
811 for those appeals which shall be privileged in their assignment for
812 hearing. Any such appeal shall be heard [within] not later than thirty
813 days after receipt of a notice of appeal and decided [within] not later
814 than sixty days after the hearing. If a notice of appeal concerns an
815 announced agency decision to meet in executive session or an ongoing
816 agency practice of meeting in executive sessions, for a stated purpose,
817 the commission or a member or members of the commission

818 designated by its chairperson shall serve notice upon the parties in
819 accordance with this section and hold a preliminary hearing on the
820 appeal [within] not later than seventy-two hours after receipt of the
821 notice, provided such notice shall be given to the parties at least forty-
822 eight hours prior to such hearing. During such preliminary hearing,
823 the commission shall take evidence and receive testimony from the
824 parties. If after the preliminary hearing the commission finds probable
825 cause to believe that the agency decision or practice is in violation of
826 sections 1-200 and 1-225, the agency shall not meet in executive session
827 for such purpose until the commission decides the appeal. If probable
828 cause is found by the commission, it shall conduct a final hearing on
829 the appeal and render its decision [within] not later than five days [of]
830 after the completion of the preliminary hearing. Such decision shall
831 specify the commission's findings of fact and conclusions of law.

832 Sec. 12. Section 1-210 of the general statutes is repealed and the
833 following is substituted in lieu thereof (*Effective October 1, 2007*):

834 (a) Except as otherwise provided by any federal law or state statute,
835 all records maintained or kept on file by any public agency, whether or
836 not such records are required by any law or by any rule or regulation,
837 shall be public records and every person shall have the right to (1)
838 inspect such records promptly during regular office or business hours,
839 (2) copy such records in accordance with subsection (g) of section 1-
840 212, or (3) receive a copy of such records in accordance with section 1-
841 212. Any agency rule or regulation, or part thereof, that conflicts with
842 the provisions of this subsection or diminishes or curtails in any way
843 the rights granted by this subsection shall be void. Each such agency
844 shall keep and maintain all public records in its custody at its regular
845 office or place of business in an accessible place and, if there is no such
846 office or place of business, the public records pertaining to such agency
847 shall be kept in the office of the clerk of the political subdivision in
848 which such public agency is located or of the Secretary of the State, as
849 the case may be. Any certified record hereunder attested as a true copy
850 by the clerk, chief or deputy of such agency or by such other person
851 designated or empowered by law to so act, shall be competent

852 evidence in any court of this state of the facts contained therein. Each
853 such agency shall make, keep and maintain a record of the proceedings
854 of its meetings.

855 (b) Nothing in the Freedom of Information Act shall be construed to
856 require disclosure of:

857 (1) Preliminary drafts or notes provided the public agency has
858 determined that the public interest in withholding such documents
859 clearly outweighs the public interest in disclosure;

860 (2) Personnel or medical files and similar files the disclosure of
861 which would constitute an invasion of personal privacy;

862 (3) Records of law enforcement agencies not otherwise available to
863 the public which records were compiled in connection with the
864 detection or investigation of crime, if the disclosure of said records
865 would not be in the public interest because it would result in the
866 disclosure of (A) the identity of informants not otherwise known or the
867 identity of witnesses not otherwise known whose safety would be
868 endangered or who would be subject to threat or intimidation if their
869 identity was made known, (B) signed statements of witnesses, (C)
870 information to be used in a prospective law enforcement action if
871 prejudicial to such action, (D) investigatory techniques not otherwise
872 known to the general public, (E) arrest records of a juvenile, which
873 shall also include any investigatory files, concerning the arrest of such
874 juvenile, compiled for law enforcement purposes, (F) the name and
875 address of the victim of a sexual assault under section 53a-70, 53a-70a,
876 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
877 impairing of morals under section 53-21, or of an attempt thereof, or
878 (G) uncorroborated allegations subject to destruction pursuant to
879 section 1-216;

880 (4) Records pertaining to strategy and negotiations with respect to
881 pending claims or pending litigation to which the public agency is a
882 party until such litigation or claim has been finally adjudicated or
883 otherwise settled;

884 (5) (A) Trade secrets, which for purposes of the Freedom of
885 Information Act, are defined as information, including formulas,
886 patterns, compilations, programs, devices, methods, techniques,
887 processes, drawings, cost data, or customer lists that (i) derive
888 independent economic value, actual or potential, from not being
889 generally known to, and not being readily ascertainable by proper
890 means by, other persons who can obtain economic value from their
891 disclosure or use, and (ii) are the subject of efforts that are reasonable
892 under the circumstances to maintain secrecy; and

893 (B) Commercial or financial information given in confidence, not
894 required by statute;

895 (6) Test questions, scoring keys and other examination data used to
896 administer a licensing examination, examination for employment or
897 academic examinations;

898 (7) The contents of real estate appraisals, engineering or feasibility
899 estimates and evaluations made for or by an agency relative to the
900 acquisition of property or to prospective public supply and
901 construction contracts, until such time as all of the property has been
902 acquired or all proceedings or transactions have been terminated or
903 abandoned, provided the law of eminent domain shall not be affected
904 by this provision;

905 (8) Statements of personal worth or personal financial data required
906 by a licensing agency and filed by an applicant with such licensing
907 agency to establish the applicant's personal qualification for the
908 license, certificate or permit applied for;

909 (9) Records, reports and statements of strategy or negotiations with
910 respect to collective bargaining;

911 (10) Records, tax returns, reports and statements exempted by
912 federal law or state statutes or communications privileged by the
913 attorney-client relationship;

914 (11) Names or addresses of students enrolled in any public school or
915 college without the consent of each student whose name or address is
916 to be disclosed who is eighteen years of age or older and a parent or
917 guardian of each such student who is younger than eighteen years of
918 age, provided this subdivision shall not be construed as prohibiting the
919 disclosure of the names or addresses of students enrolled in any public
920 school in a regional school district to the board of selectmen or town
921 board of finance, as the case may be, of the town wherein the student
922 resides for the purpose of verifying tuition payments made to such
923 school;

924 (12) Any information obtained by the use of illegal means;

925 (13) Records of an investigation or the name of an employee
926 providing information under the provisions of section 4-61dd;

927 (14) Adoption records and information provided for in sections 45a-
928 746, 45a-750 and 45a-751;

929 (15) Any page of a primary petition, nominating petition,
930 referendum petition or petition for a town meeting submitted under
931 any provision of the general statutes or of any special act, municipal
932 charter or ordinance, until the required processing and certification of
933 such page has been completed by the official or officials charged with
934 such duty after which time disclosure of such page shall be required;

935 (16) Records of complaints, including information compiled in the
936 investigation thereof, brought to a municipal health authority pursuant
937 to chapter 368e or a district department of health pursuant to chapter
938 368f, until such time as the investigation is concluded or thirty days
939 from the date of receipt of the complaint, whichever occurs first;

940 (17) Educational records which are not subject to disclosure under
941 the Family Educational Rights and Privacy Act, 20 USC 1232g;

942 (18) Records, the disclosure of which the Commissioner of
943 Correction, or as it applies to Whiting Forensic Division facilities of the

944 Connecticut Valley Hospital, the Commissioner of Mental Health and
945 Addiction Services, has reasonable grounds to believe may result in a
946 safety risk, including the risk of harm to any person or the risk of an
947 escape from, or a disorder in, a correctional institution or facility under
948 the supervision of the Department of Correction or Whiting Forensic
949 Division facilities. Such records shall include, but are not limited to:

950 (A) Security manuals, including emergency plans contained or
951 referred to in such security manuals;

952 (B) Engineering and architectural drawings of correctional
953 institutions or facilities or Whiting Forensic Division facilities;

954 (C) Operational specifications of security systems utilized by the
955 Department of Correction at any correctional institution or facility or
956 Whiting Forensic Division facilities, except that a general description
957 of any such security system and the cost and quality of such system
958 may be disclosed;

959 (D) Training manuals prepared for correctional institutions and
960 facilities or Whiting Forensic Division facilities that describe, in any
961 manner, security procedures, emergency plans or security equipment;

962 (E) Internal security audits of correctional institutions and facilities
963 or Whiting Forensic Division facilities;

964 (F) Minutes or recordings of staff meetings of the Department of
965 Correction or Whiting Forensic Division facilities, or portions of such
966 minutes or recordings, that contain or reveal information relating to
967 security or other records otherwise exempt from disclosure under this
968 subdivision;

969 (G) Logs or other documents that contain information on the
970 movement or assignment of inmates or staff at correctional institutions
971 or facilities; and

972 (H) Records that contain information on contacts between inmates,
973 as defined in section 18-84, and law enforcement officers;

974 (19) Records when there are reasonable grounds to believe
975 disclosure may result in a safety risk, including the risk of harm to any
976 person, any government-owned or leased institution or facility or any
977 fixture or appurtenance and equipment attached to, or contained in,
978 such institution or facility, except that such records shall be disclosed
979 to a law enforcement agency upon the request of the law enforcement
980 agency. Such reasonable grounds shall be determined (A) (i) by the
981 Commissioner of Public Works, after consultation with the chief
982 executive officer of an executive branch state agency, with respect to
983 records concerning such agency; and (ii) by the Commissioner of
984 Emergency Management and Homeland Security, after consultation
985 with the chief executive officer of a municipal, district or regional
986 agency, with respect to records concerning [any executive branch
987 agency of the state or any municipal, district or regional agency, by the
988 Commissioner of Public Works, after consultation with the chief
989 executive officer of the] such agency; (B) by the Chief Court
990 Administrator with respect to records concerning the Judicial
991 Department; [facilities, by the Chief Court Administrator;] and (C) by
992 the executive director of the Joint Committee on Legislative
993 Management, with respect to records concerning the Legislative
994 Department. [, by the executive director of the Joint Committee on
995 Legislative Management.] As used in this section, "government-owned
996 or leased institution or facility" includes, but is not limited to, an
997 institution or facility owned or leased by a public service company, as
998 defined in section 16-1, a certified telecommunications provider, as
999 defined in section 16-1, a water company, as defined in section 25-32a,
1000 or a municipal utility that furnishes electric, gas or water service, but
1001 does not include an institution or facility owned or leased by the
1002 federal government, and "chief executive officer" includes, but is not
1003 limited to, an agency head, department head, executive director or
1004 chief executive officer. Such records include, but are not limited to:

1005 (i) Security manuals or reports;

1006 (ii) Engineering and architectural drawings of government-owned
1007 or leased institutions or facilities;

- 1008 (iii) Operational specifications of security systems utilized at any
1009 government-owned or leased institution or facility, except that a
1010 general description of any such security system and the cost and
1011 quality of such system, may be disclosed;
- 1012 (iv) Training manuals prepared for government-owned or leased
1013 institutions or facilities that describe, in any manner, security
1014 procedures, emergency plans or security equipment;
- 1015 (v) Internal security audits of government-owned or leased
1016 institutions or facilities;
- 1017 (vi) Minutes or records of meetings, or portions of such minutes or
1018 records, that contain or reveal information relating to security or other
1019 records otherwise exempt from disclosure under this subdivision;
- 1020 (vii) Logs or other documents that contain information on the
1021 movement or assignment of security personnel; [at government-owned
1022 or leased institutions or facilities;]
- 1023 (viii) Emergency plans and emergency [recovery or response plans]
1024 preparedness, response, recovery and mitigation plans, including
1025 plans provided by a person to a state agency or a local emergency
1026 management agency or official; and
- 1027 (ix) With respect to a water company, as defined in section 25-32a,
1028 that provides water service: Vulnerability assessments and risk
1029 management plans, operational plans, portions of water supply plans
1030 submitted pursuant to section 25-32d that contain or reveal
1031 information the disclosure of which may result in a security risk to a
1032 water company, inspection reports, technical specifications and other
1033 materials that depict or specifically describe critical water company
1034 operating facilities, collection and distribution systems or sources of
1035 supply;
- 1036 (20) Records of standards, procedures, processes, software and
1037 codes, not otherwise available to the public, the disclosure of which

1038 would compromise the security or integrity of an information
1039 technology system;

1040 (21) The residential, work or school address of any participant in the
1041 address confidentiality program established pursuant to sections 54-
1042 240 to 54-240o, inclusive;

1043 (22) The electronic mail address of any person that is obtained by
1044 the Department of Transportation in connection with the
1045 implementation or administration of any plan to inform individuals
1046 about significant highway or railway incidents.

1047 (c) Whenever a public agency receives a request from any person
1048 confined in a correctional institution or facility or a Whiting Forensic
1049 Division facility, for disclosure of any public record under the
1050 Freedom of Information Act, the public agency shall promptly notify
1051 the Commissioner of Correction or the Commissioner of Mental Health
1052 and Addiction Services in the case of a person confined in a Whiting
1053 Forensic Division facility of such request, in the manner prescribed by
1054 the commissioner, before complying with the request as required by
1055 the Freedom of Information Act. If the commissioner believes the
1056 requested record is exempt from disclosure pursuant to subdivision
1057 (18) of subsection (b) of this section, the commissioner may withhold
1058 such record from such person when the record is delivered to the
1059 person's correctional institution or facility or Whiting Forensic
1060 Division facility.

1061 (d) Whenever a public agency, except the Judicial Department or
1062 Legislative Department, receives a request from any person for
1063 disclosure of any records described in subdivision (19) of subsection
1064 (b) of this section under the Freedom of Information Act, the public
1065 agency shall promptly notify the Commissioner of Public Works or the
1066 Commissioner of Emergency Management and Homeland Security, as
1067 applicable, of such request, in the manner prescribed by [the] such
1068 commissioner, before complying with the request as required by the
1069 Freedom of Information Act and for information related to a water

1070 company, as defined in section 25-32a, the public agency shall
1071 promptly notify the water company before complying with the request
1072 as required by the Freedom of Information Act. If the commissioner,
1073 after consultation with the chief executive officer of the applicable
1074 agency or after consultation with the chief executive officer of the
1075 applicable water company for information related to a water company,
1076 as defined in section 25-32a, believes the requested record is exempt
1077 from disclosure pursuant to subdivision (19) of subsection (b) of this
1078 section, the commissioner may direct the agency to withhold such
1079 record from such person. In any appeal brought under the provisions
1080 of section 1-206 of the Freedom of Information Act for denial of access
1081 to records for any of the reasons described in subdivision (19) of
1082 subsection (b) of this section, such appeal shall be against the
1083 [Commissioner of Public Works] chief executive officer of the
1084 executive branch state agency or the municipal, district or regional
1085 agency that issued the directive to withhold such record pursuant to
1086 subdivision (19) of subsection (b) of this section, exclusively, or, in the
1087 case of records concerning Judicial Department facilities, the Chief
1088 Court Administrator or, in the case of records concerning the
1089 Legislative Department, the executive director of the Joint Committee
1090 on Legislative Management.

1091 (e) Notwithstanding the provisions of subdivisions (1) and (16) of
1092 subsection (b) of this section, disclosure shall be required of:

1093 (1) Interagency or intra-agency memoranda or letters, advisory
1094 opinions, recommendations or any report comprising part of the
1095 process by which governmental decisions and policies are formulated,
1096 except disclosure shall not be required of a preliminary draft of a
1097 memorandum, prepared by a member of the staff of a public agency,
1098 which is subject to revision prior to submission to or discussion among
1099 the members of such agency;

1100 (2) All records of investigation conducted with respect to any
1101 tenement house, lodging house or boarding house as defined in section
1102 19a-355, or any nursing home, residential care home or rest home, as

1103 defined in section 19a-490, by any municipal building department or
1104 housing code inspection department, any local or district health
1105 department, or any other department charged with the enforcement of
1106 ordinances or laws regulating the erection, construction, alteration,
1107 maintenance, sanitation, ventilation or occupancy of such buildings;
1108 and

1109 (3) The names of firms obtaining bid documents from any state
1110 agency.

1111 Sec. 13. Section 1-205 of the general statutes is repealed and the
1112 following is substituted in lieu thereof (*Effective from passage*):

1113 (a) There shall be a Freedom of Information Commission consisting
1114 of five members appointed by the Governor, with the advice and
1115 consent of either house of the General Assembly, who shall serve for
1116 terms of four years from the July first of the year of their appointment,
1117 except that of the members appointed prior to and serving on July 1,
1118 1977, one shall serve for a period of six years from July 1, 1975, one
1119 shall serve for a period of four years from July 1, 1975, and one shall
1120 serve for a period of six years from July 1, 1977. Of the two new
1121 members first appointed after July 1, 1977, one shall serve from the
1122 date of such appointment until June 30, 1980, and one shall serve from
1123 the date of such appointment until June 30, 1982. No more than three
1124 members shall be members of the same political party.

1125 (b) Each member shall receive two hundred dollars per day for each
1126 day such member is present at a commission hearing or meeting, and
1127 shall be entitled to reimbursement for actual and necessary expenses
1128 incurred in connection therewith, in accordance with the provisions of
1129 section 4-1.

1130 (c) The Governor shall select one of its members as a chairman. The
1131 commission shall maintain a permanent office at Hartford in such
1132 suitable space as the Commissioner of Public Works provides. All
1133 papers required to be filed with the commission shall be delivered to
1134 such office.

1135 (d) The commission shall, subject to the provisions of the Freedom
1136 of Information Act promptly review the alleged violation of said
1137 Freedom of Information Act and issue an order pertaining to the same.
1138 Said commission shall have the power to investigate all alleged
1139 violations of said Freedom of Information Act and may for the purpose
1140 of investigating any violation hold a hearing, administer oaths,
1141 examine witnesses, receive oral and documentary evidence, have the
1142 power to subpoena witnesses under procedural rules adopted by the
1143 commission to compel attendance and to require the production for
1144 examination of any books and papers which the commission deems
1145 relevant in any matter under investigation or in question. In case of a
1146 refusal to comply with any such subpoena or to testify with respect to
1147 any matter upon which that person may be lawfully interrogated, the
1148 superior court for the judicial district of Hartford, on application of the
1149 commission, may issue an order requiring such person to comply with
1150 such subpoena and to testify; failure to obey any such order of the
1151 court may be punished by the court as a contempt thereof.

1152 (e) The Freedom of Information Commission, and the Department
1153 of Information Technology with respect to access to and disclosure of
1154 computer-stored public records, shall conduct training sessions, at
1155 least annually, for members of public agencies for the purpose of
1156 educating such members as to the requirements of sections 1-7 to 1-14,
1157 inclusive, 1-16 to 1-18, inclusive, 1-200 to 1-202, inclusive, 1-205, 1-206,
1158 1-210 to 1-217, inclusive, 1-225 to 1-232, inclusive, 1-240, 1-241 and 19a-
1159 342.

1160 (f) Not later than December 31, 2001, the Freedom of Information
1161 Commission shall create, publish and provide to the chief elected
1162 official of each municipality a model ordinance concerning the
1163 establishment by any municipality of a municipal freedom of
1164 information advisory board to facilitate the informed and efficient
1165 exchange of information between the commission and such
1166 municipality. The commission may amend the model ordinance from
1167 time to time.

1168 (g) When the General Assembly is in session, the Governor shall
 1169 have the authority to fill any vacancy on the commission, with the
 1170 advice and consent of either house of the General Assembly. When the
 1171 General Assembly is not in session any vacancy shall be filled
 1172 pursuant to the provisions of section 4-19. A vacancy in the
 1173 commission shall not impair the right of the remaining members to
 1174 exercise all the powers of the commission and three members of the
 1175 commission shall constitute a quorum.

1176 (h) The commission shall, subject to the provisions of chapter 67,
 1177 employ such employees as may be necessary to carry out the
 1178 provisions of this chapter. The commission may enter into such
 1179 contractual agreements as may be necessary for the discharge of its
 1180 duties, within the limits of its appropriated funds and in accordance
 1181 with established procedures.

1182 [(i) The commission shall make available to the public the printed
 1183 reports of its decisions, opinions and related materials at a reasonable
 1184 cost not to exceed the actual cost thereof to said commission but not
 1185 less than twenty-eight dollars per item.]

1186 [(j)] (i) The Freedom of Information Commission shall not be
 1187 construed to be a commission or board within the meaning of section
 1188 4-9a."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	4a-63(a)
Sec. 3	<i>from passage</i>	4a-100
Sec. 4	<i>October 1, 2007</i>	4a-100
Sec. 5	<i>from passage</i>	4a-101(c)
Sec. 6	<i>October 1, 2007</i>	4a-101(c)
Sec. 7	<i>from passage</i>	4b-91
Sec. 8	<i>from passage</i>	4b-92
Sec. 9	<i>from passage</i>	9-612(g)(2)
Sec. 10	<i>from passage</i>	49-41

Sec. 11	<i>from passage</i>	1-206(b)(1)
Sec. 12	<i>October 1, 2007</i>	1-210
Sec. 13	<i>from passage</i>	1-205